

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 10-20653

Plaintiff,

v.

HONORABLE  
PATRICK DUGGAN

DUANE BERRY,

Defendant.

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**Order Regarding Trial Date and**  
**Finding Excludable Delay Under the Speedy Trial Act**

In light of the “Government’s Motion to Continue Trial Date and for Finding of Excludable Delay Under the Speedy Trial Act,” – for defendant Duane Berry – which the Court has relied upon and adopts for its representations and conclusions, the Court orders the following:

1. The trial date will be continued from December 11, 2012, until January 22, 2013;
2. The time period from December 11, 2012 (the previous trial date), until January 22, 2013 (the new trial date), is excludable under the Speedy Trial Act (18 U.S.C. 3161 et seq.) because the government and Berry’s co-defendants (David Marton and Sherill Dash) have been

and will be engaged in negotiations regarding a possible disposition of the cases via guilty pleas. Regarding such negotiations, pursuant to the Speedy Trial Act (18 U.S.C. 3161(h)(1)), the Court finds, that such time period constitutes a period of excludable delay as “other proceedings”;

3. As set forth in more detail in the government’s motion, the facts establish, and the Court also finds, that the ends of justice to be served by continuing the various dates outweigh the best interests of the public and the defendant in a speedy trial, and failure to grant a continuance would likely result in a miscarriage of justice, see 18 U.S.C. 3161(h)(7)(B)(ii) and 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

s/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: December 6, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 6, 2012, by electronic and/or ordinary mail.

s/Marilyn Orem  
Case Manager